

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IVAN DOMINGUEZ,

Petitioner,

v.

BRIAN E. WILLIAMS, *et al.*,

Respondents.

Case No. 2:12-cv-01609-MMD-NJK

ORDER

The Court previously appointed the Federal Public Defender to represent the petitioner (dkt. no. 5).

The Office of the Federal Public Defender ("FPD") has identified a conflict of interest with the petitioner, and has indicated to the Court its inability to further represent the petitioner (dkt. no. 22). The Court's Criminal Justice Act designee has, however, located counsel, Mario Valencia, 1055 Whitney Ranch Drive, Henderson, NV 89014, tel.: (702) 940-2222, who is willing to be appointed to represent the petitioner herein.

IT IS THEREFORE ORDERED that the FPD is released as counsel.


IT IS FURTHER ORDERED that Mario Valencia is APPOINTED to represent the petitioner herein. Mr. Valencia is a Criminal Justice Act panel attorney for the United States District Court, District of Nevada. Mr. Valencia shall represent petitioner in all future proceedings in this Court relating to this matter (including subsequent actions) and appeals therefrom, pursuant to 18. U.S.C. Section 3006A (a)(2)(B), until allowed to withdraw.

1 IT IS FURTHER ORDERED that CJA counsel for petitioner shall meet with
2 petitioner as soon as reasonably possible to: (a) review the procedures applicable in
3 cases under 28 U.S.C. Section 2254; (b) discuss and explore with petitioner, as fully as
4 possible, the potential grounds for habeas corpus relief in petitioner's case; and (c)
5 advise petitioner that all possible grounds for habeas corpus relief must be raised at this
6 time and that the failure to do so will likely result in the omitted grounds being barred
7 from future review under the rules regarding abuse of writ.

8 IT IS FURTHER ORDERED that counsel for petitioner and counsel for
9 respondents shall within forty-five (45) days file a joint statement describing what
10 portions of petitioner's state court record have been obtained and what portions are
11 missing. Counsel for respondents should make available to counsel for petitioner
12 (photocopying costs at the latter's expense), as soon as reasonably possible, a copy of
13 whatever portions of the state court record they possess regarding the judgment
14 petitioner is challenging herein.

15 IT IS FURTHER ORDERED that counsel for petitioner shall file an amended
16 petition for writ of habeas corpus within ninety (90) days, which shall include all known
17 grounds for relief (both exhausted and unexhausted). Respondent shall have thirty (30)
18 days after the filing of the amended petitioner within which to answer, or otherwise
19 respond to, the amended petition.

20 DATED THIS 17th day of April 2013.

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24 MIRANDA M. DU
25 UNITED STATES DISTRICT JUDGE
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